

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
UNITED STATES OF AMERICA,

v.

09-CR-108-S

SEAN MCIVER,

Defendant.

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**STATEMENT OF THE GOVERNMENT WITH RESPECT  
TO SENTENCING FACTORS**

**PLEASE TAKE NOTICE**, that the government hereby adopts all findings of the Pre-sentence Report with respect to sentencing factors in this action.

Should the defendant present any letters of support or sentencing statement to the Court, the United States will move to strike the items from the record if this office is not provided with copies at least three business days prior to sentencing.

The defendant is required by 18 U.S.C. §3013 to pay the sum of \$100.00 at the time of sentencing.

In the event present counsel for the defendant will continue to represent the defendant after sentencing in regard to the collection of unpaid financial obligation(s), it is requested that a letter so advising be sent to:

Asset Forfeiture/Financial Litigation Unit  
U.S. Attorney's Office--WDNY  
138 Delaware Avenue  
Buffalo, New York 14202

If a letter is not received within 10 days of sentencing, the defendant will be directly contacted regarding collection of the financial obligation(s).

Upon the ground that the defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the defendant's intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently, the government hereby moves the Court to apply the additional one (1) level downward adjustment for acceptance of responsibility pursuant to U.S.S.G. §3E1.1(b).

DATED: Buffalo, New York, July 13, 2011.

Respectfully submitted,

WILLIAM J. HOCHUL, JR.  
United States Attorney  
WESTERN DISTRICT OF NEW YORK  
138 Delaware Avenue  
Buffalo, New York 14202  
(716)843-5700, ext. 869  
robert.c.moscatti@usdoj.gov

BY: s/Robert C. Moscati  
ROBERT C. MOSCATI  
Assistant U.S. Attorney

TO: Michael L. D'Amico, Esq.

United States Probation Department  
Attn: Michael Quarantillo  
U.S. Probation Officer

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 13, 2011, I electronically filed the foregoing **STATEMENT OF THE GOVERNMENT WITH RESPECT TO SENTENCING FACTORS** with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Michael L. A'Amico, Esq.

Michael Quarantillo  
Probation Officer

s/Diane E. Carlsen

DIANE E. CARLSEN